

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

JOSEPH ETINOFF,

Plaintiff,

2001-CV-0061

v.

**GOVERNMENT OF THE VIRGIN
ISLANDS et al.,**

Defendants.

**TO: Jesse A. Gessin, Esq., AFPD
Richard A. Schrader, Jr., Esq., AAG**

ORDER

THIS MATTER came before the Court upon Plaintiff's Motion For Emergency Hearing and Other Relief (Docket No. 71). A hearing was held on December 18, 2008. Jesse A. Gessin, Esq., AFPD, represented Plaintiff. Richard A. Schrader, Jr., Esq., AAG, appeared on behalf of the government. Plaintiff also was present.

Having heard the testimony of the witnesses and the arguments of counsel and upon due consideration thereof, the Court finds that, while the November 2008 episode concerning the dispensing of the wrong medication is disturbing, the government is making a good faith effort to ensure Plaintiff receives his proper medication. Consequently, the Court finds that sanctions are not warranted at this time.

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WHEREFORE, it is now hereby **ORDERED** that the Court declines to hold Defendants in contempt of court.

ENTER:

Dated: December 18, 2008

_____/s/
GEORGE W. CANNON, JR.
U.S. MAGISTRATE JUDGE